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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/722,805

11/26/2003

Loic Grebonval

18,967

8193

23556 7590 03/21/2007
KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT

PAPER NUMBER

3654

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

03/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/722,805

Applicant(s)

GREBONVAL ET AL.

Examiner

John Q. Nguyen

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3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-36 and 52-62 is/are pending in the application.
- 4a) Of the above claim(s) 3, 28-36 and 52-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of the species of figs. 1-4, claims 1, 2, and 5-27 in the reply filed on 6/30/05 has been acknowledged. Claims 3 and 28-62 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/05.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US-D298597) in view of FitzSimons et al (US-6899250).

Bell discloses a typical vertical roll dispenser for home use. Note the shroud. Fitzsimons et al discloses a wet and dry towel dispenser (see especially figs. 4-8) in which a dry roll is provided in compartment 14 and a wet towel is provided in compartment 16 for convenience. The towels are covered up apparently for travel use. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Bell with an integrated wet towel dispenser above or below the dry towel roll as taught by Fitzsimons et al to conveniently provide a supply of wet wipe together with a supply of dry towel for home use.

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Claims 6-8, 10-19, 22, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Fitzsimons et al as applied to claims 1 and 5 above, and further in view of Placik (US-6412656).

Placik discloses at least in figs. 4 and 5 a box-like wet wipe dispenser. It would have been obvious to a person having ordinary skill in the art to provide a dispenser as taught by Placik under the dispenser of Bell and integrated as the base of the dispenser of Bell, the placement under the dry roll would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria (such as for convenience of dispensing and changing rolls), space optimization, and costs. Since the dispensers of Bell and Fitzsimons et al appear to be standard rolls, the spindle is deemed to have the claimed dimensions or, alternatively, the claimed dimensions would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria, space optimization, and costs. A portion of compartment of Placik can also be a storage compartment. The angle is about 0 degrees (claim 12) and about 90 degrees (claim 13). Note dispensing cover 28, sealing ring surrounding dispensing opening 26, and hinge 29 of Fitzsimons et al. Compressible seal such as o-rings and gaskets are considered prior art since Official notice was previously taken. Therefore the use of such a compressible seal in the cover which would then inherently spring open the cover would have been obvious to a person having ordinary skill in the art to provide a more effective seal of the dispensing opening. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Bell modified as

above with a dispensing cover, sealing ring, and cover hinge as taught by Fitzsimons et al to keep dirt out of the dispensing opening.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Fitzsimons et al and Placik as applied to claims 6-8, 10-19, 22, 25, 26 above, and further in view of Bardsley (US-4030676).

Bardsley discloses another similar apparatus as Bell in which the spindle is detachable. It would have been obvious to a person having ordinary skill in the art to provide the spindle of Bell as detachable as taught by Bardsley for facilitate repair and maintenance.

Claims 20, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Fitzsimons et al and Placik as applied to claims 6-8, 10-19, 22, 25, 26 above, and further in view of Bando et al (US-6206221)

Bando et al discloses another similar apparatus in which a dispensing cover 23 springs open by activating a button 90. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Bell modified as above with a cover and button as taught by Bando et al to facilitate opening the dispensing cover. A soft-pack wet wipe package 40 with a removable sheet 45 is used as the source of wet wipe. That the removable sheet is a label would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference and design criteria and also since such is also old and well known in the art

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and Official notice of such is hereby taken. It would have been obvious to a person having ordinary skill in the art to provide the wet wipe package of Bell modified as above as a soft-pack as taught by Bando et al to facilitate inserting the package into the dispenser.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Fitzsimons et al and Placik as applied to claims 6-8, 10-19, 22, 25, 26 above, and further in view of Bonk (US-4535912).

Bonk discloses a typical web wipe dispenser with a refill opening covered by a cover and a dispensing opening. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Bell modified as above with a refill opening as taught by Bonk to conveniently use commercially available refill packages. That the refill opening is in the bottom would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria (such as for convenience of use), space optimization, and costs.

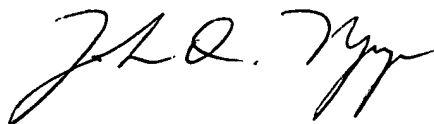
Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday-Friday, from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen", is positioned to the left of the printed name and title.

John Q. Nguyen
Primary Examiner
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